

MAY 11 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

800 Data Base Access Tariffs and)
the 800 Service Management)
System Tariff)

CC Docket No. 93-129

REBUTTAL TO OPPOSITIONS
TO DIRECT CASE OF ROCHESTER
TELEPHONE CORPORATION

Rochester Telephone Corporation ("Rochester") submits this rebuttal to the oppositions received to its direct case in support of its 800 data base access tariff.^{1/} Of the oppositions served on Rochester, only MCI specifically opposes Rochester's direct case, and only on a very narrow issue. MCI contends that those carriers that proposed a flow-through of the rates of third-party SCP owners be required to make refunds based upon the outcome of the investigation into the rates of those parties.^{2/}

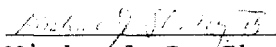
^{1/} Rochester filed its direct case on September 20, 1994. In response to complaints that exchange carriers owning signal control points ("SCPs") failed to file appropriate cost support, the Commission, on several occasions, extended the deadline for filing oppositions and rebuttals thereto. On April 18, 1994, the Commission extended the time for filing rebuttals to May 5, 1994. 800 Data Base Access Tariffs and the 800 Service Management System Tariff, CC Dkt. 93-129, Order, DA 94-370 (April 18, 1994).

^{2/} MCI at 3-4.

MCI's opposition lacks merit. Rochester -- and its subsidiaries -- either purchased SCP services at tariffed rates from SCP providers or permitted those providers to bill 800 data base customers directly.^{3/} Rochester has no control over the rates that were ultimately billed to 800 data base customers and has received no revenues for those services. For the Commission to order Rochester to issue refunds in this circumstance would serve no useful purpose and would also be highly inequitable.

The Commission should reject MCI's request.

Respectfully submitted,


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May 4, 1994

(2996K)

^{3/} On December 1, 1993, Rochester filed tariff revisions under Transmittal No. 213 to indicate a change in its underlying SCP provider from Southern New England Telephone to Independent Telecommunications Network. The revisions contained in that Transmittal went into effect on January 15, 1994, without suspension or investigation.

Certificate of Service

I hereby certify that, on this 4th day of May, 1994, copies of the foregoing Rebuttal to Oppositions to Direct Case of Rochester Telephone Corporation were served by first-class mail, postage prepaid, upon the parties on the attached service list.

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